

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

RODRICK E. DEBOSE,

Plaintiff,

v.

Case No. 8:21-cv-417-TPB-SPF

SPECTRUM,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the report of Sean P. Flynn, United States Magistrate Judge, entered on June 7, 2021. (Doc. 16). Judge Flynn recommends that Plaintiff's second motion to proceed *in forma pauperis* (Doc. 10), along with Plaintiff's Notice to Court to Take Judicial Notice (Doc. 15), which appears to be a supplement to Plaintiff's motion, be denied and that Plaintiff be directed to pay the filing fee to the Clerk. On June 14, 2021, Plaintiff filed an objection to the report and recommendation. (Doc. 17).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which an objection is made." 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and

recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

After careful consideration of the record, including Judge Flynn's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Flynn's detailed and well-reasoned findings and conclusions with respect to the showing of indigency in Plaintiff's motion.

Plaintiff filed an objection to the report and recommendation (Doc. 17), stating that "Plaintiff made a mistake and put monthly income in the place where it [sic] plaintiff was supposed to put weekly." The objection was unsworn and did not attach an affidavit attesting to Plaintiff's financial information. The Court directed Plaintiff to file an amended motion to proceed *in forma pauperis*, using the long form application, on or before August 7, 2021. (Doc. 20). The Court advised Plaintiff that failure to file do so would result in the adoption of the report and recommendation and the denial of Plaintiff's motion. (*Id.*). Upon review of the record, it appears that Plaintiff has failed to file an amended motion as directed. Accordingly, Plaintiff's objection to the report and recommendation is overruled and the report and recommendation is adopted.

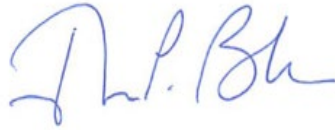
It is therefore

ORDERED, ADJUDGED, and DECREED:

1. The report and recommendation (Doc. 16) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.

2. Plaintiff's motion to proceed *in forma pauperis* (Doc. 10) and Notice to the Court to Take Judicial Notice (Doc. 15) are **DENIED**.
3. Plaintiff is directed to pay the filing fee to the Clerk on or before August 31, 2021. Failure to pay the filing fee as directed may result in the dismissal of this action without prejudice.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 18th day of March, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE